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Item 39 of the preliminary list*
**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

# Implementation of decolonization resolutions adopted since the declaration of the First and Second International Decades for the Eradication of Colonialism

## Report of the Secretary-General

## I. Introduction

1. At its sixty-third session, the General Assembly adopted resolution 63/108 A. In paragraph 13 of that resolution, the Assembly requested the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of decolonization resolutions adopted since the declaration of the First and Second International Decades for the Eradication of Colonialism.

2. In a note verbale dated 30 January 2009, the Secretary-General brought the resolution to the attention of the Member States and invited them to provide the information requested for inclusion in the report referred to in paragraph 1 above. The information received is out below.

## II. Replies received from Member States

### Mexico

[Original: Spanish]
[26 February 2009]

The Permanent Mission of Mexico wishes to inform the Secretariat that the Government of Mexico recognizes the right of peoples to self-determination; for that reason, it has supported, each year, the adoption of the aforementioned resolution, which requests States to comply with the obligations established under Article 73 *e* of the Charter of the United Nations.

* A/64/50.

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**Russian Federation**

[Original: English]
[31 March 2009]

The Russian Federation is actively engaged in facilitating the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted at the initiative of the Soviet Union in 1960.

As a member of the former United Nations Council for Namibia, a participant in the former Special Committee for South West Africa and a permanent member of the United Nations Security Council, the Russian Federation made a significant contribution to the achievement of independence by Namibia in 1991.

The Russian Federation carried out a considerable amount of work on Timor-Leste within the United Nations Security Council. As a result of the efforts of the United Nations, Timor-Leste achieved independence in 2002. The Security Council and the United Nations as a whole still continue to play an important role in establishing and strengthening the statehood of an independent Timor-Leste.

As a member of the Trusteeship Council, which dealt with the decolonization processes of many former colonial Territories, the Russian Federation was involved in the decision taken at the start of the First International Decade to terminate the Trusteeship Agreement for the Trust Territory of the Pacific Islands.

Since the start of its involvement in the work of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Russian Federation has attached great importance to the role of this body and its practical work. The Russian Federation firmly upholds the position that questions of territorial size, geographical isolation or limited resources should not affect the inalienable right of the inhabitants of Non-Self-Governing Territories to self-determination and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples. It is the responsibility of the administering Powers to create such conditions in those Territories as would enable their peoples to exercise this inalienable right freely and without interference.

With regard to the Falkland Islands (Malvinas) and Gibraltar, each subject to sovereignty disputes, the Russian Federation holds the view that the search for a definitive solution should be based on negotiations between the relevant Governments.

The policy consistently pursued by the Russian Federation within the United Nations Security Council and General Assembly to settle the question of Western Sahara is that exclusively political means are necessary to end this conflict, in line with the relevant Security Council resolutions and taking fully into account mutually acceptable conditions for the parties to the model of settlement, without the imposition of any external prescriptions or the establishment of time frames or arbitration procedures.

The decolonization activities of the United Nations and the Special Committee will remain necessary as long as there are still Non-Self-Governing Territories in the world. The principles relating to Non-Self-Governing Territories, enshrined in the Charter of the United Nations, the Declaration on the Granting of Independence to

Colonial Countries and Peoples and United Nations decisions on decolonization, are as relevant today as they were at the inception of the United Nations.

The Russian Federation stands ready to continue to facilitate the implementation of the mandate of the Special Committee and the relevant resolutions on decolonization for the Non-Self-Governing Territories.

**United Kingdom of Great Britain and Northern Ireland**

[Original: English]
[18 March 2009]

The United Kingdom's relationship with its Overseas Territories is a modern one based on partnership, shared values and the right of each Territory to determine if it wishes to retain the link to the United Kingdom.

The 1999 British Government Command White Paper entitled "Partnership for progress and prosperity: Britain and the Overseas Territories" set out the four principles that underline the British Government's relationship with the Overseas Territories. They are:

- self-determination
- mutual obligations and responsibilities
- freedom of the Territories to run their own affairs to the greatest degree possible
- a firm commitment from the United Kingdom to help the Territories develop economically and to help them in emergencies

Those principles remain fundamental to the United Kingdom's relationship with the Overseas Territories. The United Kingdom is committed to the future development and continued security of the Overseas Territories for as long as the Territories choose to retain the link with the United Kingdom. There is regular dialogue between British Government Ministers and Territory leaders on a wide range of issues of mutual interest. The annual Overseas Territories Consultative Council, which provides a political forum for British Ministers and Overseas Territories Premiers, Chief Ministers and their equivalents to discuss issues of topical interest, is now well established. The United Kingdom continues to provide assistance to the Overseas Territories through the provision of technical and logistical support and, in the case of Montserrat, Pitcairn and St. Helena, through budgetary aid.

As the 1999 White Paper pointed out, the United Kingdom's policy towards the Overseas Territories rests on the basis that it is the people of each Territory who determine whether they wish to stay linked to the United Kingdom or not. The United Kingdom has no intention of imposing independence against the will of the people concerned. It has been the established policy of successive British Governments to give every help and encouragement to those Territories where independence is the clearly and constitutionally expressed wish of the people, where this is an option. At this time, the presumption of the United Kingdom Government is that a referendum would be the way of testing opinion in those Territories where independence is an option. But the final decision on whether a referendum is

necessary, and what form a referendum might take, would need to be determined by the United Kingdom, in the light of the particular circumstances in each Territory.

The link between the United Kingdom and the Overseas Territories is enshrined in the Constitution of each Territory. Consultation with the Territories at the time of the White Paper showed a clear expression of their wish to retain the connection with the United Kingdom. The United Kingdom concluded that neither integration into the United Kingdom, nor Crown Dependency status, offered more appropriate alternatives to the present arrangements.

The overwhelming majority of decisions in the United Kingdom's Overseas Territories are taken by the Territory Governments in exercise of devolved powers. There is no wish on the United Kingdom's part to micromanage its relationship with the Overseas Territories. But as long as any Territory chooses to remain British, its Constitution must be agreed with the United Kingdom. As part of a constitutional review process launched by the 1999 White Paper, the United Kingdom agreed to consider carefully any proposals for constitutional change made by an Overseas Territory. The constitutional review process has taken the form of a bilateral negotiation, with the scope and pace largely being determined by the Territories themselves. The objective of the negotiations has been to agree on the best possible modern constitutional arrangements that are acceptable to both the Territories and the United Kingdom. While the United Kingdom considers all proposals for constitutional development and change put forward by the Territories, it has also made clear to the Territories during the negotiations that, while the Territory chooses to remain British, the United Kingdom needs to retain sufficient powers to discharge its responsibilities for good governance, defence, external relations, and to meet contingent liabilities and fulfil international obligations applying to the Territories. The reviews also offer the opportunity to bring up to date provisions of the existing Constitutions, such as of the human rights chapters, and to clarify the respective roles of the Governor and local politicians.

There has been progress on constitutional review with most Overseas Territories. New constitutions came into force in the Turks and Caicos Islands in 2006, the British Virgin Islands and Gibraltar in 2007 and, most recently, in the Falkland Islands on 1 January 2009. Constitutional reviews are under way in other Territories (Anguilla, Cayman Islands, Montserrat, St. Helena), and in some negotiations are at a very advanced stage with the expectation that new Constitutions will soon be agreed.

In May 2007 a fourth round of negotiations was held with the Legislative Councillors of Montserrat for a new Constitution for that Territory. Further informal discussions took place on Montserrat in March 2008, at which further progress was made. But work on the redevelopment of Montserrat has now taken priority over the constitutional review talks.

The Cayman Islands Government is engaged in public consultation following the agreement of a new draft Constitution in February 2009 at the conclusion of a negotiating process which began in the Cayman Islands in September 2008. The Cayman Islands Government intends to hold a referendum on the new Constitution on the date of its general election, scheduled to take place on 20 May 2009.

In August 2006, the Anguilla Constitutional and Electoral Reform Commission published its report with 147 recommendations relating to the revision of the

Constitution of Anguilla. These are still under consideration in Anguilla. A first round of negotiations with the United Kingdom, scheduled for February 2009, was postponed at the behest of the Government of Anguilla.

The constitutional review process in St. Helena stalled in May 2005, when the people of St. Helena, in a consultative poll, rejected a move to a ministerial system of government as envisaged in the draft constitution. Since then a revised draft constitution without the ministerial government provisions has been prepared as a basis for discussion between the United Kingdom negotiating team and Legislative Councillors on St. Helena in May.

Some commentators have suggested that the United Kingdom should agree to allow Territories the options for status set out in United Nations General Assembly resolution 1541 (XV). This identified three options for de-listing (i.e., removing Territories from the United Nations list of Non-Self-Governing Territories). These were integration; independence; and free association. As already stated, the United Kingdom policy is not to agree to integration; and nor is there any indication that any of the Territories are seeking this. The United Kingdom's position on independence has already been set out.

But the concept of free association, as defined by the General Assembly, would mean that the Territory itself would draw up its Constitution free from United Kingdom involvement. The United Kingdom would retain all responsibility for the Territory, but would not be able to ensure that it had the powers necessary to meet its responsibilities for the Territories. This is not a position the United Kingdom is willing to put itself in.

General Assembly resolution 1541 (XV) is not legally binding. Furthermore, the United Kingdom did not vote in favour of the resolution. It believes that the guiding principles for the relationship with the Territory should draw on the Charter of the United Nations. This states, inter alia, that an administering Power shall take due account of the political aspirations of the peoples of its Territories, and assist them in the progressive development of their free political institutions according to the particular circumstances of each Territory and its peoples and their varying stages of advancement. The United Kingdom places the utmost importance on these fundamental principles, which are at the heart of the constitutional review process.

The United Nations Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations (1970), which elaborates the principle of self-determination, also makes clear that there is an option for the peoples of a Territory in addition to those set out in resolution 1541. It says that the establishment of a sovereign and independent State, free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.

This paper has set out the position of the United Kingdom and its Overseas Territories. The United Kingdom Government considers the existence of the Special Committee of 24 and the list of Non-Self-Governing Territories to be outdated and remains of the view that none of its Overseas Territories should remain on the list.